

Message Text

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21

ACTION OPIC-06

INFO OCT-01 NEA-10 ISO-00 EB-07 COME-00 TRSE-00 AID-05

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TO SECSTATE WASHDC PRIORITY 2218

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EO 11652: N/A

TAGS: EFIN, BG, US

SUBJ: BELBAGCO

REF: STATE 234553

1. EID HOLIDAYS AND ILLNESS ON PART ALTAF HOSSAIN DELAYED APPROACH REQUESTED REFTEL. RLA ROBERTSON AND ECON COUNSELOR MET SEPTEMBER 28 WITH ALTAF HOSSAIN TO CONVEY POINTS RAISED REFTEL.

2. HOSSAIN APOLOGIZED FOR NOT HAVING YET WRITTEN DIRECTLY TO OPIC AND AGAIN PROMISED TO DO SO; HE HAS RUFUS BROWN'S NAME, FULL ADDRESS AND TELEX NUMBER. HE INDICATED HE PLANNED TO ADDRESS THE POINTS RAISED IN PARAS 2 AND 4, REFTEL.

3. HOSSAIN BELIEVES IT WOULD BE POSSIBLE FOR OPIC TO FILE CLAIM FOR COMPENSATION IN ITS OWN NAME, BUT ONLY BY DISCLOSING SETTLEMENT AND PAYMENT OF AMOUNT TO BELBAGCO. BDG WOULD NOT THEN, IN HOSSAIN'S VIEW, BE LIKELY TO PAY MORE THAN THE AMOUNT PAID BELBAGCO. THERE ARE OTHER REASONS WHY HOSSAIN ADVISES OPIC AGAINST FILING A SEPARATE CLAIM AT THIS TIME. OPIC DID NOT ITSELF HAVE ITS PROPERTY NATIONALIZED UNDER P.O. 27 AND THE VALID ASSIGNMENT OF THE CLAIM COULD POSSIBLY BE CHALLENGED. SUBSEQUENT TO ANY AGREEMENT TO PAY COMPENSATION, A LETTER FROM BELBGACO COULD REQUEST BDG TO PAY OPIC, HOSSAIN NOTED.

4. RLA AND ECON COUNSELOR PROVIDED HOSSAIN, IN STRICT CONFIDENCE, LIMITED OFFICIAL USE

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THE INFORMATION IN PARA 5, STATE 217052, CONCERNING OPIC SETTLEMENT

OF THE BELBAGCO CLAIM.

5. TO PROVIDE AGAINST ANY CONTINGENCIES, WE WILL PURCHASE SEPTEMBER 29 HALF A DOZEN CLAIM FORMS FOR COMPENSATION FROM THE INDUSTRIES MINISTRY.

6. WE HAVE NOT YET FILED THE BELBAGCO CLAIM, BUT PLAN TO APPROACH EJAZUL HUQ THIS WEEK TO DO SO. UNLESS DEPT INSTRUCTS US OTHERWISE, WE WILL ATTEMPT FILE BELBAGCO CLAIM WITH HUQ. SHOULD HE REFUSE TO ACCEPT FORM AND ATTACHMENTS, WE WILL MAIL CLAIM FORMS TO HIM BY REGISTERED POST, WITH RETURN RECEIPT REQUESTED.

7. ALTAF HOSSAIN NOTES THAT WE DO NOT HAVE POWER OF ATTORNEY AS REQUESTED SECTION C(IV) OF CLAIM FORM. WHILE WE ARE CONFIDENT BDG WILL NOT REFUSE TO ACCEPT CLAIM IN FIRST INSTANCE WITHOUT POWER OF ATTORNEY, IT WILL EVENTUALLY BE REQUIRED. OPIC MAY WISH ASK BELBAGCO GRANT ALTAF HOSSAIN POWER OF ATTORNEY FOR THIS PURPOSE.

8. DIVISION OF ASSETS. SUGGEST OPIC CONTACT NEA/PAB AND/OR INR/RNA FOR BACKGROUD ON BDG CLAIMS AGAINST PAKISTAN ARISING OUT OF LIBERATION STRUGGLE. THESE INCLUDE CLAIMS FOR DIVISION OF ASSETS (E.G., CIVIL AIRCRAFT, GOLD BULLION, PAYMENT OF PROVIDENT FUND CONTRIBUTIONS AND FOREIGN EXCHANGE HOLDINGS), ALONG LINES OF 1947 DIVISION BETWEEN INDIA AND PAKISTAN, ANY PAYMENT BY BDG OF ANY CLAIM WHICH COULD BE HELD TO BE ONE FOR WHICH PAKISTAN MIGHT BE LIABLE WEAKENS BDG CASE IN THIS BROAD AREA. MORE SPECIFICALLY, PAYMENT OF FOREIGN EXCHANGE DIRECTS TO US SHAREHOLDERS OF COMPANY REGISTERED IN KARACHI, COULD BE SEEN TO WEAKEN BDG CASE THAT PAKISTAN MEET SUCH FOREIGN EXCHANGE LIABILITIES. FURTHERMORE, SUCH A PAYMENT WITHOUT PRIOR AGREEMENT WITH PAKISTAN COULD LEAVE OPEN POSSIBILITY OF A SEPARATE CLAIM BY PAKISTAN ON BEHALF BELBAGCO, THUS JEOPARDIZING OTHER SUCH CLAIMS AND RAISING DANGER OF PAYING TWICE IN THIS PARTICULAR CASE.

9. ALTAF HOSSAIN HAS GIVEN US ONE OF HIS FIRM'S COPIES OF THE COMPANIES ACT (AS MODIFIED UP TO 15 APRIL 1968), REPRINT 1976, WHICH IS UP-TO-DATE FOR BANGLADESH. WE ARE POUCHING THIS COPY OCTOBER 1 TO OPIC, ATTENTION RUFUS BROWN.
CHESLAW

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